



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 01 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL #7009 1680 0000 7648 7610
RETURN RECEIPT REQUESTED

Mr. John Wenneman
Advance Bronze Inc.
139 Ohio Street
Lodi, Ohio 44254-0280

Re: Request for Information
EPA ID No.: OHD048430789

Dear Mr. Wenneman:

By this letter, the U.S. Environmental Protection Agency requests information under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927. Section 3007 authorizes the Administrator of EPA to require you to submit certain information.

This request requires Advance Bronze Inc. (ABI or you) to submit certain information relating to the generation of hazardous waste at its facility located at 139 Ohio Street in Lodi, Ohio. We are requiring this information to determine the facility's compliance status with the Standards Applicable to Generators of Hazardous Waste set forth at Ohio Administrative Code § 3745-52 (40 C.F.R. Part 262) and Recycled Used Oil Management Standards set forth at Ohio Admin. Code § 3745-279 (40 C.F.R. Part 279). The enclosure specifies the information you must submit. You must submit this information within fifteen (15) calendar days of receiving this request to the United States Environmental Protection Agency, Attention: Ms. Sue Brauer, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

You may, under 40 C.F.R. Part 2 Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 C.F.R. § 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 C.F.R. Part 2, B. You must make any request for confidentiality when you submit the information since any information not so identified may be made available to the public without further notice.

Advance Bronze Inc. must submit all requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341. We may use the requested information in an administrative,

civil or criminal action.

This request is not subject to the Paperwork Reduction Act, U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Advance Bronze Inc. to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

You should direct questions about this request for information to Ms. Sue Brauer, at (312) 353-6134 or brauer.sue@epa.gov.

Sincerely,



Julie M. Morris, Chief
Compliance Section 2

Enclosure

cc: John.Paquelet@epa.ohio.gov (w/ enclosure)

Thomas.Babb@epa.ohio.gov (w/ enclosure)

Teri.Finfrock@epa.ohio.gov (w/ enclosure)

REQUEST FOR INFORMATION

Instructions: You must respond separately to each of the questions or requests in this attachment. Precede each answer with the number of the Request for Information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.

Definitions from 40 C.F.R. § 260.10

Individual generation site means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous. (Ohio Admin. Code § 3745-50-10(55))

On-site means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access are also considered on-site property. (Ohio Admin. Code § 3745-50-10(81))

Operator means the person responsible for the overall operation of a facility. (Ohio Admin. Code § 3745-50-10(83))

Owner means the person who owns a facility or part of a facility. (Ohio Admin. Code § 3745-50-10(84))

Representative sample means a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole. (Ohio Admin. Code § 3745-50-10(99))

Sludge means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant. (Ohio Admin. Code § 3745-50-10(104))

Small Quantity Generator means a generator who generates less than one thousand kilograms of hazardous waste in a calendar month. (Ohio Admin. Code § 3745-50-10(106))

Solid wastes has the same meaning as defined in rule 3745-27-01 of the Administrative Code. (Ohio Admin. Code § 3745-50-10(107))

Storage means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere. (Ohio Admin. Code § 3745-50-10(111))

Transfer facility means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation. ((Ohio Admin. Code § 3745-50-10(120))

Transporter means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water. ((Ohio Admin. Code § 3745-50-10(123))

Universal waste means any of the following hazardous wastes that are managed under the universal waste requirements of Chapter 3745-273 of the Administrative Code:

- (a) Batteries as described in rule 3745-273-02 of the Administrative Code;
 - (b) Pesticides as described in rule 3745-273-03 of the Administrative Code;
 - (c) Thermostats as described in rule 3745-273-04 of the Administrative Code; and
 - (d) Lamps as described in rule 3745-273-05 of the Administrative Code.
- ((Ohio Admin. Code 3745-50-10(130)).

Used oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities. ((Ohio Admin. Code §3745-50-10(138))

Terms from Ohio Admin. Code § 3745-51-01 (40 C.F.R. § 261.1)

“Spent material” is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing (an example is used "lamps" as defined in rule 3745-50-10 of the Administrative Code).

“Sludge” has the same meaning used in rule 3745-50-10 of the Administrative Code.

A “by-product” is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. By-product does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

A material is “used or reused” if it is either:

- (a) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
- (b) Employed in a particular function or application as an effective substitute for a

commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

A material is "recycled" if it is used, reused, or reclaimed.

Requests

1) Identify all persons consulted in preparing the answers to this Request for Information. Provide the full name and title for each person identified.

2) For the following materials, provide the most recent five years of waste determinations required by Ohio Admin. Code § 3745-52-11 (40 C.F.R. § 262.11) for: Each separately generated waste from air pollution control equipment (dusts, baghouse bags); Contact cooling water; solids from contact cooling water; Slag(s); Skimming(s); Used blasting sand; Furnace liner sand; Used personal protective equipment such as spent respirator cartridges.

- i) First, determine if the material generated is a solid waste as defined in Ohio Admin. Code § 3745-51-02 (40 C.F.R. § 261.2) using the RCRA regulatory terms from Ohio Admin. Code above.
- ii) If it is a solid waste, then determine if the waste is excluded from regulation under Ohio Admin. Code § 3745-51-04 (40 C.F.R. § 261.4).
- iii) Then determine if the waste is listed as a hazardous waste in Ohio Admin. Code §§ 3745-51-30 through 3745-51-33 (Subpart D of 40 C.F.R. Part 261).
- iv) Next determine whether the waste is identified by hazardous waste characteristics described at Ohio Admin. Code §§ 3745-51-20 through 3745-51-24 (40 C.F.R. Part 261, Subpart C).
 - (1) To document whether the material exhibits a characteristic of hazardous waste, provide the plan demonstrating that a representative sample was collected and the complete analytical data package from a laboratory, including the chain of custody used for sample collection/transfer to the laboratory and the laboratory control results.
 - (2) To document a determination by knowledge whether the materials exhibits a characteristic of hazardous waste, provide copies of all documents upon which your knowledge of the hazardous waste characteristics (chemical composition and physical properties) of the waste is based.
- v) If the waste is determined to be hazardous, identify the possible exclusions or restrictions pertaining to the particular waste in RCRA hazardous waste regulations.

3) For every regulated hazardous waste, used oil, and universal waste, provide the most recent five years of universal hazardous waste manifests or tracking documents (i.e., bills of lading, invoices, work orders sufficient to document the number of days generated waste was on-

site prior to shipment) to document the date, waste description, quantity and density of waste, transporter (name, telephone number, and EPA ID Number), and destination (facility name, telephone number, EPA ID number, facility name and address) of each waste shipment.

With respect to uniform hazardous waste manifests, a legible copy of the signed copy returned from the destination facility is adequate. To clarify, a copy of the initial generator copy need not be provided unless the signed copy from the destination facility was not returned to you.

4) For every material determined to not be a regulated hazardous waste, under request 2.v above, document that the exclusion applies. For example, if a material is claimed to be “used or reused” as an ingredient, describe the industrial process that uses the material to make a product. In cases where the original process to which the material is returned is a secondary process, describe how the material(s) from ABI were managed (contained, stored, treated/processed) once removed from ABI’s facility.

5) Document (e.g., provide photographs of) the use of containers labeled “Used Oil” for free-flowing used oil.

6) Provide a copy of the current RCRA contingency plan for your “individual generation site,” as that term is defined above. *See* Ohio Admin. Code §§ 3745-65-50 through 3745-65-56 (Subpart D of 40 C.F.R. Part 265).

7) Provide your log of emergency equipment inspections for the past three years.¹ *See* Ohio Admin. Code § 3745-65-33 (40 C.F.R. § 265.33).

8) Provide your at least weekly container inspection log for the past three years. *See* Ohio Admin. Code § 3745-66-74 (40 C.F.R. § 265.174).

9) Provide evidence of the arrangements with local authorities or document their refusal to enter into arrangements. *See* Ohio Admin. Code §§ 3745-65-37 and 3745-65-53 (40 C.F.R. §§ 265.37 and 265.53). For example, while not specifically required by regulation, EPA accepts copies of letters marked with the corresponding certified mail number and the returned receipt green card.

10) Provide a copy of each report specified to U.S. EPA that you submit to Ohio EPA:

- a) bi/annual due in 2010 for 2009 activities (to the extent your records are available);
- b) annual due in 2011 for 2010 activities (to the extent your records are available);
- c) biennial due in 2012 for 2011 activities;
- d) biennial due in 2014 for 2013 activities.

See Ohio Admin. Code § 3745-52-41 (40 C.F.R. § 262.41). Note: Ohio changed the EPA’s

¹ The federally authorized Ohio Admin. Code adds a sentence to the federal code, “The owner or operator must record the inspections in a log or summary.”

reporting requirement from annual to biennial in 2011. Pursuant to Ohio Admin. Code § 3745-52-40 (40 C.F.R. § 262.40), generators must keep a copy of each manifest signed for three years or until a signed copy is received from the destination facility.

13. Provide the following certification by a responsible corporate officer, owner, or operator:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

